

## **Minutes of the Taunton Conservation Commission November 15, 2021**

Present: Chair Steven Turner, Vice Chair Debra Botellio, Commissioners Joshua Borden, Richard Enos, Luis Freitas, and Jan Rego. Commissioner Matthew Haggerty absent. Conservation Agent, Michele Restino and Recording Secretary Denise Irving also present.

**Motion to approve the minutes of the October meeting. DB, second JB so voted.**

**Discussion with the Law Department:** City Solicitor, David Gay, present.

**Bunk Pond:** In regards to the parking barriers that were put in place he feels there is no problem with keeping it as it is. It's just too hard to police it. Suggests it is referred to the Safety Officer, Arsenio Chaves and go with his recommendation. Motion made to refer to the Safety Officer and have report back for the 12/13/21 meeting. JB, second DB so voted.

**Ordinance on Hunting and Fishing:** There is no hunting on Conservation land. Hunting and fishing on Conservation land is under Conservation rule. Policy of the Commission is easier to deal with than trying to change to an ordinance and feels it should be left as is.

**Denials:** For motions that are denied there is a reasonable expectation that why it has been denied is stated. A motion can be made to reconsider at that same meeting, or at the next meeting, if not then it is done. If in litigation it should be discussed in Executive session.

**North Walker Street:** Assistant City Solicitor, Peter Winters is handling this as City Solicitor Gay had previously done work for this client. The Commission will have a statement soon.

**Chapter 61 Property (Tremont & Glebe Streets 30-37-0):** The Council talked about (not voted) to decline their rights of first refusal. It is up to the owner to let the City know that the property is for sale and there is a 120 day period for the City to respond. City Solicitor Gay recommends no interest in the property. The City will collect the roll back taxes. If Conservation gets further offers they should always notify the Legal Department. Motion to decline on our rights to first refusal on the property JB, second LF so voted.

**Eagle Scout Presentation by Jacob Brennan:** Jacob Brennan, 42 Highland Street, Eagle Scout would like to repair and clean up at the Bent Cabin at the Gertrude M. Boyden Wildlife Refuge as his project for Scouts. His plan includes cleaning the graffiti, painting, replace the railings and if enough funds are raised will do the roof as well, along with refurbishing the sign. His troop in addition to a contractor will help with the project which he plans to start in May 2022 and be finished by June or July 2022. He will be holding a fundraiser at the Homeplate Restaurant and a car wash. DB states she would like to have the information as she would like to make a donation to this project. JB would like Jacob to notify MR of when the Homeplate fundraiser will be. ST requests that Jacob discuss paint choices with MR and take before/after pictures to present to the Commission when the project is completed. Motion to approve JB, second DB so voted.

**Lake Sabbatia Management:** Lisa Potter and Craig DeMoura, residents of the lake, present. They met with City Councilor, John McCaul, the residents and have presented a petition with 200 names to the City Council. A drone was used to video the weeds thru the entire lake. The drone video was presented for the Commission's viewing. The weeds are the worse they have been in 40 years. The average depth of the weeds are 16' which is a very long weed. This situation is dangerous to boaters, swimmers and jet skiers. ST states if we don't get a handle on this and do something soon we will lose this valuable City resource. JR asked if this clean up will start at the Snake River? – Whoever is hired to develop the management plan will make that decision. JR asks who manages the lake? – ST states that Conservation manages the lake. LF asks once you get a plan how long will the process take? – at least a couple of years, each year it will get less. It's a management plan and won't know until the study is done and recommendations are made. DB asks when the last management plan was made? - around 2007/2008 but nothing happened with it. RE asks will this go to the Morey Bridge? – if not treated it will just continue upstream. ST states that Craig & Lisa will be invited back after the bids are in and there is more info to report. DB asks if they are still washing boats? Craig states yes, they come in with saltwater boats but he tries to enforce as best he can.

**Continued Certificate of Compliance:**

**1. 630 Burt Street (Lot 1), Mason/Eastside Investment, LLC, COC, SE73-2893** to close out Order of Conditions. Motion to approve DB, second RE, so voted.

**Certificate of Compliance:**

**1. 11 Dexter Avenue, Peixoto, COC, SE73-2789** to close out Order of Conditions. Motion to approve DB, second JB, so voted.

**2. 1358 Cohannet Street, Ferreira/Ferreira Development Group, LLC, COC, SE73-2722** to close out Order of Conditions. Motion to approve with no work done DB, second RE, so voted.

Motion to go out of order JB, second RE, so voted.

**PUBLIC HEARING:**

**1. 1364 Cohannet Street Lot B (Assessor's Lot 89-190), Ferreira/Ferreira Development Group, LLC, NOI, SE73-2953** to construct a duplex. Evan Watson, W Engineering and Steve Ferreira, Ferreira Development Group, LLC present. RE asks if any fences in the back to keep the trash out? - the back will be vegetated and it will be city trash and recycling pick up, no dumpsters. JB asks if they will be condos or apartments? – no decision on that as yet. Also still waiting for Natural Heritage letter but was told should have it by Thanksgiving. DB asks about snow storage? – snow will be stored along the driveway. DB states she is not opposed to the project but feels we are going against our own bylaws if we issue the order without the Natural Heritage comments. Motion to approve with Special Conditions 1-5, 7-10, 17, 19, 21, 23, 25-27, 31, 40, & 41 added to state that if Natural Heritage letter requests changes then an Amendment must be filed. JB, second RE, DB opposed, motion carries.

**2. 1364 Cohannet Street Lot C (Assessor's Lot 89-192), Ferreira/Ferreira Development Group, LLC, NOI, SE73-2954** to construct a duplex. Evan Watson, W Engineering and Steve Ferreira, Ferreira Development Group, LLC present. Basically the same project as Lot B. JB asks if the original plan was for a SFH? – yes but requesting a duplex now with a smaller footprint. DB asks about snow removal? – Off to the sides and no chemicals used. ST states the foot print is not smaller when reading from the Field Report. EW states he misspoke before and that it is slightly larger. Motion to approve with Special Conditions 1-5, 8-10, 17, 19, 21, 23, 25-27, 31, 40 and hold for Natural Heritage comments before issuing. JB, second RE, DB opposed (due to the project being bigger than before), motion carries.

ST motion to revert back to regular order of business, second JB, so voted.

**Certificate of Compliance:**

**1. 499 (formerly 0) Berkley Street (Assessor's Lot 106-28), Varley, COC, SE73-2891** – to close out Order of Conditions. Motion to approve DB, second JB, so voted.

**Public Meeting:**

**1. 42 Leahy Drive, Coutts, DA, DSE-1289** – for septic system repair. Brad Fitzgerald, SFG Associates, present. Motion to issue a Negative Determination with Special Conditions 1-4, 7, 8, 14, 18 DB, second JB, so voted.

**2. 113 Powderhorn Drive, Campbell, RDA, DSE-1290** – for septic system repair. Brad Fitzgerald, SFG Associates, present. Motion to issue a Negative Determination with Special Conditions 1-4, 7, 8, 14, 18, 19 DB, second JB, so voted.

Motion to go out of order JB, second DB, so voted.

**Public Hearing:**

**1. 0 Round Street (Assessor's Lot 42-93), Doehler, NOI, SE73-2956** to construct SFH with septic, utilities, in-ground pool and associated grading. Brad Fitzgerald, SFG Associates, present. An RDA was done last year for this parcel but the new owner would like a larger house and also add a pool, therefore they are filing a NOI. This project also has Natural Heritage approval. DB asks if the snow will be pushed to the back & within the 25' buffer – No, snow will be off to the sides. Motion to approve with Special Conditions 1-6, 8, 9, 16, 17, 19, 21, 25-27, 29. JR, second DB, so voted.

Motion to revert back to order JB, second RE, so voted.

**Continued Amendment:**

**1. 19 Ingell Street, Binda/Binda Realty, AMEND OOC, SE73-2922** to construct a triplex and duplex instead of two duplexes. Applicant requests a continuance. Motion to approve a continuance until the 12/13/21 meeting JB, second RE, so voted.

**Extension:**

- 1. 1000 County Street, MassDOT, EXT ORAD, SE73-2777** – requesting a three year extension. Motion to approve the three year extension DB, second JB, so voted.
- 2. 202 Shores Street, Dutra, EXT OOC, SE73-2225** – requesting a three year extension. Frank Gallagher, Gallagher Engineering and Rui Dutra, owner, present. Construction will take place within a year. This will be the last extension granted by the Commission for this project. Motion to approve the three year extension DB, second RE, so voted.
- 3. Highland Street (Assessor's Lot 64-301) EXT OOC, SE73-2226** – requesting a three year extension. Frank Gallagher, Gallagher Engineering and Rui Dutra, owner, present. This will be the last extension granted by the Commission for this project. Motion to approve the three year extension DB, second JR, so voted.

**Continued Public Hearing:**

- 1. Winthrop Street (Assessor's Lot 103-28), D.I. Trust II, NOI, SE73-2921** for one infiltration basin in association with a proposed 135 SFH lot subdivision on parcels in Dighton. Applicant requests a continuance. Commission would like someone present at the next meeting to give an update. Motion to approve continuance until the 12/13/21 meeting DB, second JB so voted.

**Public Hearing:**

- 1. 25 Edgewater Lane, Lopes, NOI, SE73-2955** – construction of a 30' x 9' dock. Roseanna Lopes (daughter), 6 Park Street present. The dock has already been constructed and has been there all summer. The lake is considered a great pond and all docks must be licensed with a Chapter 91 permit. DB asks if there has been a response from Natural Heritage – not to date. JB asks if Commission approves will a Chapter 91 will still need to be filed? – yes, it is a state law. Add SC #29 that if Natural Heritage should make any changes they must come back to Conservation. Motion to approve with Special Conditions 1-5, 21, 28, 29. JR, second LF, DB opposed (no Natural Heritage letter received), motion carries.

**2. 772 & 784 County Street, Dupras/Shoreline Development, NOI, SE73-2958** – for multi-unit retail development. Attorney Ed Brennan, Eric Dias, Strongpoint, and Brian Dupras, owner, present. There will be two buildings demoed, one commercial and one residential. A new multi-unit building will be constructed. DB asks how you will protect the 25' buffer zone in the back from trash and snow? – Trash will be contained in dumpsters, no fencing proposed and snow removal will be outside of the 100' buffer. DB – will the dumpsters be enclosed? – yes and all Board of Health rules will be followed. DB asks – no invasion of the 25' – no. ST asks what business will be going into the new building? – A pizza restaurant and the rest are up for discussion. Motion to approve with Special Conditions 1-9, 17, 19-21, 24-27, 29, 39 JR, second DB, so voted.

**3. Willis Pond Road (Assessor's Lot 37-52), Coute/Aspen Properties Development, LLC, NOI, SE73-2957** – construction of a SFH, driveway, utilities and associated grading. Applicant requests a continuance. Motion to approve continuance until 12/13/21 meeting DB, second JB, so voted.

**Continued Violations:**

**1. 248 Tremont Street** – cutting trees, clearing brush, and adding fill within the Riverfront Area. Louis Dosanjios, homeowner, present. Has worked hard to remove the unregistered vehicles. ST asks how many more left to remove – maybe 3 or 4. When do you expect them to be gone? – a couple weeks. Motion to continue until 12/13/21 meeting and if all vehicles are removed the violation will be lifted. DB, second RE, so voted.

**2. 9 Old Colony Avenue** - cutting trees within the wetlands and associated buffer zone. Owner was working and unable to attend. ST states it looks cleaned up. MR states the tenant has left and showed pictures. Motion to remove the violation RE, second DB so voted.

**3. 10 Mineral Street, Violation** for blocking of city culvert with tree trunks & couch pillows & altering Cobb Brook channel, discuss fines. No one present. JB asks what the total of the fines are? – approximately a quarter of a million. This has been a violation since April and we haven't seen anything on the NOI filing. Too many excuses – need to come up with a dollar figure and be aggressive. DB agrees – we don't want another Winthrop Street. Motion made to send a certified letter to Owner, Anne Rust Grealish stating she must be present at the 12/13/21 meeting and must provide proof to the Commission with either a

retention letter or deposit made for engineering services. Also included in the motion is to contact the legal department and have their response prior to the 12/13/21 meeting on how we should proceed with the process of placing a lien on the property if Ms. Grealish doesn't show up at the 12/13/21 meeting. LF, second DB, so voted.

**Other Business:**

- 1. DEP Training** – MR was contacted by the Circuit Rider at DEP in regards to training on procedures for the Commission. ST would like to revisit this after the 2022 calendar has been approved.
- 2. 2022 Calendar Dates for Conservation Meetings** – Jan. 10, Feb. 7, Mar.7, Apr. 11, May 16, June 13, July 18, Aug. 15, Sept.19, Oct. 17, Nov. 14, Dec. 12. Any issues please let ST know.
- 3. Cobb Brook Cleaning** – JR ask MR if the Cobb Brook can be cleaned? By hand? ST suggests for MR to reach out to the Eagle Scouts for a possible future project. Motion made to check with the Scouts DB, second JB so voted.
- 4. Conservation ByLaws** – No meeting scheduled for December. ST would like to be kept informed of progress made.
- 5. Correspondence from Richard Brown** – Mr. Brown would like to plant a memorial tree for his sister. MR will contact Mr. Brown and work with him to discuss type of tree and where it will be planted. Motion to approve JB, second RE, so voted.

Motion to adjourn at 8:30 pm JB, second RE, so voted.

